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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548**

B. Knecht  
Proc I

**FILE: B-188670**

**DATE: February 16, 1977**

**MATTER OF: Didactic Systems, Inc.**

**DIGEST:**

Protest against determination that protester's proposal was technically unacceptable filed more than 10 days after receipt of notification that proposal was unacceptable and reasons therefor is untimely and not for consideration on merits under Bid Protest Procedures, notwithstanding protester's continued efforts to obtain more details of determination, instead of filing protest.

By letter dated December 20, 1976, received in our Office on December 27, 1976, Didactic Systems, Inc. (Didactic), protested the award of a contract by the Department of Agriculture (Agriculture) to another firm under request for proposals RFP-00-76-R-38, for training sessions on the application of systematic problem analysis and decision-making techniques in the solution of day-to-day job related problems.

Essentially, Didactic disputes the determination that its proposal was not in the competitive range for purposes of further discussions. However, by letter dated October 22, 1976, Agriculture informed Didactic as follows:

"While pleased with the firm's previous association with USDA in other areas, the contractor's current proposal is so vague and broad in scope that it would be difficult, if not impossible, to identify exactly how the firm intends to approach this training required by USDA. The use of off-the-shelf material is not an acceptable type of curriculum and there is no indication or explanation in the proposal as to how this material would be modified to relate to USDA."

In response to this letter, Didactic wrote Agriculture on October 27, 1976, requesting further clarification of the reasons its proposal was found unacceptable, to whom and at what price award was made, and why it received notification of disqualification by letter of October 22 when the training sessions were to begin on October 28.

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By letter dated November 4, Agriculture provided the award information and indicated that the information concerning Didactic's proposal would be forthcoming shortly. On November 22, Didactic again wrote to Agriculture, still requesting specific clarification of the reasons for disqualification as it appears that telephonic advice from Agriculture on November 22 did not satisfy Didactic. Also, Didactic filed a protest with Agriculture because of the difference in the price it proposed and the award price. By letter of December 16, Agriculture offered to provide Didactic a debriefing on the matter. Further, Agriculture indicated that the price offered by Didactic could not be considered since its proposal was not technically acceptable. By letter of December 22, Didactic, still dissatisfied with the reasons offered for the disqualification of its proposal, indicated that the letter should be considered a complaint and requested to be informed of " \* \* \* the next step \* \* \* in dealing with this matter."

Our Aid Protest Procedures (4 C.F.R. part 20 (1976 ed.)) require that in order to be considered, protests must be filed within 10 working days after the basis for protest was known, or should have been known, whichever is earlier. While Didactic's continuous correspondence with Agriculture indicates its dissatisfaction with the reasons offered for the determination that its proposal was unacceptable, the basis for Didactic's protest was known to it when Didactic first learned in the letter of October 22 that its proposal was considered unacceptable as the letter sufficiently apprised Didactic of the reasons its proposal was unacceptable. Power Conversion, Inc., B-186719, September 20, 1976, 76-2 CPD 256. Thus, the basis for protest was known to Didactic upon receipt of the October 22 letter from Agriculture.

Therefore, Didactic's protest, filed with our Office on December 27, is untimely and will not be considered on its merits.

*Milton Jacobson*  
for Paul G. Pombling  
General Counsel